

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

FLAME S.A.,

Plaintiff,

v.

Civil Action No. 2:13-cv-00658-RGD

INDUSTRIAL CARRIERS, INC.,
VISTA SHIPPING, INC., and
FREIGHT BULK PTE. LTD.,

Defendants.

**PLAINTIFF FLAME S.A.'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANTS INDUSTRIAL CARRIERS, INC., VISTA SHIPPING, INC., AND
FREIGHT BULK PTE LTD.**

Pursuant to Local Rule 26 and Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's Order at today's hearing, Plaintiff Flame S.A. ("Plaintiff") hereby submits its First Request for Production of Documents to Defendants Industrial Carriers, Inc. ("ICI"), Vista Shipping, Inc. ("Vista"), and Freight Bulk PTE Ltd. ("FBP") (referred to collectively hereafter as "Defendants"). Defendants shall produce true and completely accurate copies as required by the Court and the rules in advance of Plaintiff's Court-ordered deposition of Viktor Baranskiy and not later than December 12, 2013.

DEFINITIONS

1. "Vessel" means the M/V CAPE VIEWER.
2. "FFA" means the forward freight agreements entered into by Plaintiff and Industrial Carriers, Inc. on March 12, 2008, May 19, 2008, August 14, 2008, and August 29, 2008.



INSTRUCTIONS

1. If any document is withheld from production under a claim of privilege or other exemption from discovery, state the title and nature of the document, and furnish a list signed by the attorney of record giving the following information with respect to each document withheld:

- a. the name and title of the author and/or sender and the name and title of the recipient;
- b. the date of the document's origination;
- c. the name of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document);
- d. the name and position, if any, of each person to whom the contents of the documents have been communicated by copy, exhibition, reading or substantial summarization;
- e. a statement of the specific basis on which privilege is claimed and whether or not the subject matter or the contents of the document is limited to legal advice or information provided for the purpose of securing legal advice; and
- f. the identity and position, if any, of the person or persons supplying the attorney signing the list with the information requested in subparagraphs above.

2. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, providing as much of the following information as possible:

- a. the type of document;
- b. its date;
- c. the date or approximate date it was lost, discarded or destroyed;
- d. the circumstances and manner in which it was lost, discarded or destroyed;
- e. the reason or reasons for disposing of the document (if discarded or destroyed);
- f. the identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document;

g. the identity of the person(s) who lost, discarded or destroyed the document; and

h. the identity of all persons having knowledge of the contents thereof.

3. Any response to these requests shall set forth the request in full before each response. Separate responses shall be provided with respect to each request. If, after a good faith search, Defendant concludes that there have never been documents responsive to a particular request, so state.

DOCUMENTS TO BE PRODUCED

1. Any and all documents concerning monthly bank statements for all three defendants and their subsidiaries (*see* PWC report, annexed hereto as Appendix A) for the period January 1, 2008 to December 31, 2011.

2. Any and all documents during the period from and including January 1, 2008 to December 31, 2008 concerning monthly settlements of the forward freight agreements ("FFA") entered into by Plaintiff and Industrial Carriers, Inc. on March 12, 2008, May 19, 2008, August 14, 2008, and August 29, 2008.

3. Any and all documents concerning the minutes of board meetings of each named Defendant and its respective subsidiaries (*see* Appendix A) for the period from and including January 1, 2008 to December 31, 2013.

4. Any and all documents concerning records relating to the identity of all shareholders for each named Defendant and its respective subsidiaries (*see* Appendix A) for the period from and including January 1, 2008 to December 1, 2013.

5. Any and all documents concerning contracts relating to the registration of the Motor Vessel CAPE VIEWER (hereafter "Vessel") for the period from January 1, 2008 through

the present, including, but not limited to any documents reflecting registration in the Republic of the Marshal Islands, Singapore, or any other port or place.

6. Any and all documents concerning the management of the Vessel.
7. Any and all documents concerning the operation of the Vessel.
8. Any and all documents concerning the classification of the Vessel.
9. Any and all documents concerning insurance of the Vessel.

Dated: December 6, 2013

FLAME S.A.



Steven M. Stancliff, VSB No. 73853
Attorney for Plaintiff Flame S.A.
CRENSHAW, WARE & MARTIN, P.L.C.
150 W. Main Street, Suite 1500
Norfolk, VA 23510
Tel: (757) 623-3000
Fax: (757) 623-5735
sstancliff@cwml-law.com

- and -

William R. Bennett, III
Lauren B. Wilgus
Attorney for Plaintiff Flame S.A.
Admitted Pro Hac Vice
BLANK ROME LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
Tel: (212) 885-5000
Fax: (212) 885-5001
wbennett@blankrome.com
lwilgus@blankrome.com

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2013, the foregoing Requests for Production were sent via electronic mail, by agreement, to the following counsel of record:

Patrick M. Brogan
DAVEY & BROGAN, P.C.
101 Granby Street, Suite 300
Norfolk, Virginia 23510
Telephone: 757 .622.0100
Facsimile: 757 .622.4924
Email: pbrogan@daveybroganpc.com

George M. Chalos
CHALOS & CO, P.C.
Pro Hac Vice
55 Hamilton Avenue
Oyster Bay, New York 11771
Telephone: (516) 7 14-4300
Facsimile: (5 16) 750-9051
Email: gmc@chaloslaw.com
Attorneys for Defendant
FREIGHT BULK PTE. LTD.



Steven M. Stancliff, VSB No. 73853
Attorney for Plaintiff Flame S.A.
CRENSHAW, WARE & MARTIN, P.L.C.
150 W. Main Street, Suite 1500
Norfolk, VA 23510
Tel: (757) 623-3000
Fax: (757) 623-5735
sstancliff@cwm-law.com